

ESTTA Tracking number: **ESTTA345916**

Filing date: **05/05/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Cannery Casino Resorts, LLC
Granted to Date of previous extension	05/05/2010
Address	9107 West Russell Road Las Vegas, NV 89148 UNITED STATES
Correspondence information	James D. Boyle, Esq. Santoro, Driggs, Walch, Kearney, Holley & Thompson 400 South Fourth Street, Third Floor Las Vegas, NV 89101 UNITED STATES tip@nevadafirm.com Phone:702-791-0308

Applicant Information

Application No	77767677	Publication date	01/05/2010
Opposition Filing Date	05/05/2010	Opposition Period Ends	05/05/2010
Applicant	Shellef, Omri S 135 Station Rd. Great Neck, NY 11023 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 2007/08/07 First Use In Commerce: 2007/08/07 All goods and services in the class are opposed, namely: Arranging and conducting nightclub entertainment events; Arranging and conducting nightclub parties; Entertainment in the nature of live performances by Disc Jockey
Class 043. First Use: 2007/08/07 First Use In Commerce: 2007/08/07 All goods and services in the class are opposed, namely: Bar, restaurant, and hotel services; catering services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3648405	Application Date	03/07/2008
Registration Date	06/30/2009	Foreign Priority	NONE


		Date	
Word Mark	EASTSIDE CANNERY		
Design Mark	EASTSIDE CANNERY		
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2008/08/28 First Use In Commerce: 2008/08/28 Beverage glassware; coffee cups; mugs		

U.S. Registration No.	3648406	Application Date	03/07/2008
Registration Date	06/30/2009	Foreign Priority Date	NONE
Word Mark	EASTSIDE CANNERY		
Design Mark	EASTSIDE CANNERY		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2008/08/28 First Use In Commerce: 2008/08/28 Men's and women's wearing apparel, namely, shirts, T-shirts, polo shirts, jackets, hats, caps, and sweatshirts		

U.S. Registration No.	3621636	Application Date	03/07/2008
Registration Date	05/19/2009	Foreign Priority Date	NONE
Word Mark	EASTSIDE CANNERY		
Design Mark	EASTSIDE CANNERY		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2008/08/28 First Use In Commerce: 2008/08/28 Casino and gaming services; providing gaming facilities; conducting and providing facilities for special events featuring casino and gaming contests and tournaments; entertainment services in the nature of providing facilities to view television, cable television and pay-per-view television entertainment programs or episodes featuring sporting events, commentators and betting experts discussing sporting events; and nightclub services; provision of general and local news and information in the fields of sports, entertainment, gaming, art, leisure activities, and casino and sports games on and through a global computer network		

U.S. Registration No.	3621637	Application Date	03/07/2008
Registration Date	05/19/2009	Foreign Priority Date	NONE
Word Mark	EASTSIDE CANNERY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2008/08/28 First Use In Commerce: 2008/08/28 Hotel and resort services; restaurant services; bar services; cocktail lounge services; providing temporary lodging accommodations for others; food preparation services; Providing information, news and commentary in the field of dining; Providing travel lodging information services		

U.S. Registration No.	3621638	Application Date	03/07/2008
Registration Date	05/19/2009	Foreign Priority Date	NONE
Word Mark	EASTSIDE CANNERY		
Design Mark			
Description of Mark	The mark consists of the bust of a woman inside a circle. Centered below the circle is the text "Eastside Cannery".		
Goods/Services	Class 041. First use: First Use: 2008/08/28 First Use In Commerce: 2008/08/28 Casino and gaming services; providing gaming facilities; conducting and providing facilities for special events featuring casino and gaming contests and tournaments; entertainment services in the nature of providing facilities to view television, cable television and pay-per-view television entertainment programs or episodes featuring sporting events, commentators and betting experts discussing sporting events; and nightclub services; provision of general and local news and information in the fields of sports, entertainment, gaming, art, leisure activities, and casino and sports games on and through a global computer network		

U.S. Registration No.	3621639	Application Date	03/07/2008
Registration Date	05/19/2009	Foreign Priority Date	NONE
Word Mark	EASTSIDE CANNERY		
Design Mark			
Description of Mark	The mark consists of the bust of a woman inside a circle. Centered below the circle is the text "Eastside Cannery".		
Goods/Services	Class 043. First use: First Use: 2008/08/28 First Use In Commerce: 2008/08/28 Hotel and resort services; restaurant services; bar services; cocktail lounge services; providing temporary lodging accommodations for others; food preparation services; Providing information, news and commentary in the field of dining; Providing travel lodging information services		

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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Kim Cooper/
Name	Kimberly J. Cooper, Esq.
Date	05/05/2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Serial No. 77/767677

Mark: EAST SIDE SOCIAL CLUB

CANNERY CASINO RESORTS, LLC, a
Nevada limited liability company,

Opposer

v.

OMRI S. SHELLEF, an individual,

Applicant.

Opposition No. _____

I HEREBY CERTIFY THAT THIS CORRESPONDENCE AND ALL
MARKED ATTACHMENTS ARE BEING DEPOSITED WITH THE
UNITED STATES PATENT AND TRADEMARK OFFICE,
TRADEMARK TRIAL AND APPEAL BOARD VIA
ELECTRONICALLY THROUGH ITS WEBSITE ACCESSIBLE
THROUGH THE FOLLOWING DOMAIN NAME:
[HTTP://ESTA.USPTO.GOV/](http://ESTA.USPTO.GOV/) ON MAY 5, 2010.

KIMBERLY J. COOPER, ESQ.

NOTICE OF OPPOSITION

Cannery Casino Resorts, LLC (“CCR”), a Nevada limited liability company, located and doing business at 9107 West Russell Road, Las Vegas, Nevada, believes that it will be damaged by the registration of the mark EAST SIDE SOCIAL CLUB by Mr. Omri S. Shellef (“Mr. Shellef”), and hereby opposes Mr. Shellef’s application, which was issued Serial No. 77/767677 (the “Shellef Application”).

As grounds for its opposition, CCR hereby alleges that:

1. CCR offers and markets a wide variety of goods and services, including, without limitation, entertainment services, hotel services and restaurant, bar and catering services, in association with the mark EASTSIDE CANNERY (the “EASTSIDE Marks”).
2. CCR’s use of the EASTSIDE Marks is prior to Mr. Shellef’s use of the mark EAST SIDE SOCIAL CLUB.
3. CCR is the owner of various federally registered trademarks and service marks incorporating the text “EASTSIDE” including the following (the “CCR Registrations”):

Mark	Registration	Goods/Services
EASTSIDE CANNERY	3,648,405	Class 21: Beverage glassware; coffee cups; mugs.
EASTSIDE CANNERY	3,648,406	Class 25: Men's and women's wearing apparel, namely, shirts, T-shirts, polo shirts, jackets, hats, caps, and sweatshirts.
EASTSIDE CANNERY	3,621,636	Class 41: Casino and gaming services; providing gaming facilities; conducting and providing facilities for special events featuring casino and gaming contests and tournaments; entertainment services in the nature of providing facilities to view television, cable television and pay-per-view television entertainment programs or episodes featuring sporting events, commentators and betting experts discussing sporting events; and nightclub services; provision of general and local news and information in the fields of sports, entertainment, gaming, art, leisure activities, and casino and sports games on and through a global computer network.
EASTSIDE CANNERY	3,621,637	Class 43: Hotel and resort services; restaurant services; bar services; cocktail lounge services; providing temporary lodging accommodations for others; food preparation services; providing information, news and commentary in the field of dining; providing travel lodging information services.
EASTSIDE CANNERY and Design	3,621,638	Class 41: Casino and gaming services; providing gaming facilities; conducting and providing facilities for special events featuring casino and gaming contests and tournaments; entertainment services in the nature of providing facilities to view television, cable television and pay-per-view television entertainment programs or episodes featuring sporting events, commentators and betting experts discussing sporting events; and nightclub services; provision of general and local news and information in the fields of sports, entertainment, gaming, art, leisure activities, and casino and sports games on and through a global computer network.
EASTSIDE CANNERY and Design	3,621,639	Class 43: Hotel and resort services; restaurant services; bar services; cocktail lounge services; providing temporary lodging accommodations for others; food preparation services; providing information, news and commentary in the field of dining; providing travel lodging information services.

4. In addition, CCR is the applicant of various federal mark applications incorporating the text "EASTSIDE".
5. The CCR Registrations are valid, subsisting and owned by CCR.
6. CCR has offered millions of dollars worth of goods and services for sale and sold millions of dollars worth of goods and services in connection with the EASTSIDE Marks.
7. CCR has spent significant sums advertising and promoting the EASTSIDE Marks throughout the United States.
8. By virtue of the ever-growing popularity of the goods and services offered by CCR in association with the EASTSIDE Marks, and Cannery's on-going investment in advertising, marketing and promotion of the EASTSIDE Marks, CCR has built and continues to build significant and valuable goodwill which is symbolized by CCR's EASTSIDE Marks.
9. Use by Mr. Shellef of the mark EAST SIDE SOCIAL CLUB for the services set forth in the Shellef Application is likely to result in confusion, mistake, or deception with CCR; or the goods and services advertised, marketed, promoted and sold by CCR in association with the EASTSIDE Marks; or in the belief that Mr. Shellef or the services offered by Mr. Shellef in association with the mark EAST SIDE SOCIAL CLUB are in some way legitimately connected with, or licensed or approved by, CCR.

10. Use by Mr. Shellef of the mark EAST SIDE SOCIAL CLUB is without CCR's consent or permission.

WHEREFORE, registration by Mr. Shellef of the mark EAST SIDE SOCIAL CLUB would be damaging to CCR, and registration should therefore be denied.

SANTORO, DRIGGS, WALCH,
KEARNEY, HOLLEY & THOMPSON

Date: 5 May 2010

By: _____


Bryce K. Earl, Esq.

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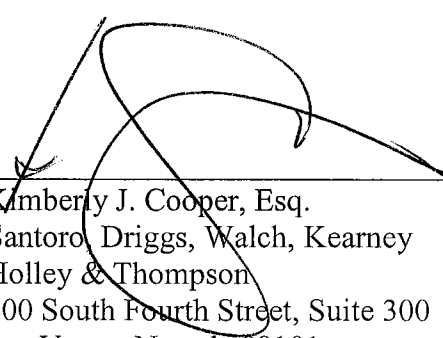
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tip@nevadafirm.com

*Attorneys for Opposer,
Cannery Casino Resorts, LLC*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing NOTICE OF OPPOSITION was served on May 5, 2010, by delivery via First Class Mail to Applicant at the following address:

Mr. Omri S. Shellef
135 Station Rd
Great Neck, NY 11023-1721



Kimberly J. Cooper, Esq.
Santoro Driggs, Walch, Kearney
Holley & Thompson
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